

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

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STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	
PETITIONER,)	ORDER OF REVOCATION
)	
VS.)	
)	
KENT J. CARTER,)	CAUSE NO. A-1512
)	
)	
RESPONDENT.)	

COMES NOW, the Nebraska Department of Insurance ("Department"), by and through its director, L. Tim Wagner and hereby issues the following order:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §44-101.01 and §44-4047, et seq.
2. Respondent was licensed as an insurance agent under the laws of Nebraska at all times material hereto.

FINDINGS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Kent J. Carter, Cause Number A-1512, on March 5, 2003. A copy of the amended petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.
2. Respondent violated Neb. Rev. Stat. §44-4059(1)(b) which states that the director may suspend, revoke, or refuse to issue or renew an insurance producer's license or may levy an administrative fine in accordance with section four of this section, or any combination of actions,

for any one or more of the following causes: Violating any insurance law or violating any rule, regulation, subpoena, or order of the director or of another state's insurance commissioner or director. Respondent violated the aforementioned statute as a result of the following conduct:

- a. On April 28, 2003, the Director of the Nebraska Department of Insurance, L. Tim Wagner, signed an order adopting the findings of fact and conclusions of law in A-1491. In A-1491, Respondent was found to have violated Neb.Rev.Stat. §44-4054(8) and §44-4065(1) (twice). Respondent was suspended from producing insurance for thirty days and was fined \$2,500. The fine was to have been paid thirty days after the adoption by the director. The fine has not been paid, as of the close of business on July 31, 2003.

3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations contained in the Petition and restated in Paragraph #2 above.

5. As part of this agreement, Respondent was to have paid an administrative fine of \$2,500 fine that is due and owing from administrative order A-1491. This payment was due on October 31, 2003. If Respondent failed to pay the fine by that date, his insurance producer's license would automatically be revoked. A copy of the consent order and affidavit of Martin W. Swanson is attached to this order.

CONCLUSIONS OF LAW

Respondent's failure to pay the fine constitutes a breach of the consent order and thus subjects the Respondent to automatic revocation. I hereby find that revocation is necessary and proper and I hereby order that Kent J. Carter's insurance producers license is revoked.

I hereby certify that the foregoing Order of Revocation is as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Kent J. Carter, Cause No. A-1512.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

November 4, 2003
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was sent to Respondent at 709 East 4th Street, McCook, Nebraska 69001, and to Respondent's counsel of record, Laura Lowe, Polsky, Shiffermiller and Coe, 3901 Normal Blvd. #102, Lincoln, Nebraska 68506, via certified mail, return receipt requested on this 4th day of November, 2003.

